

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
SWS Turkey Point Road, 75 ft. +/- W of Sue Grove Road
2117 Turkey Point Road
15th Election District
5th Councilmanic District
James R. Gernhart, Jr.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-5-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 303.1 Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front setback of 16 ft. 6 inches or, alternatively, not more than 25 ft. in lieu of the front setback average of residences within 200 ft. from the road, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner having filed a Petition for a Residential Variance, the subject property, known as 2117 Turkey Point Road, zoned D.R. 5.5, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioner is requesting a variance to permit a front yard setback of 16 ft. 6 inches in lieu of the front setback average of 51-1/2 ft. or, in the alternative, a front setback of 25 ft. in lieu of the required 51-1/2 ft for a detached garage.

The Petitioner has filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is no evidence in the file or record to indicate that the subject variance would adversely affect the health, safety and/or general welfare of the public.

In the opinion of the Zoning Commissioner, it is established that the information and affidavits provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner. Based upon the information available, the relief should be granted.

After due consideration of the evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's ac-

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tions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

-3-

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of August, 1990 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 303.1 Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front setback of 16 ft. 6 inches or alternatively not more than 25 ft. in lieu of the front setback average of residences within 200 ft. from the road, in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
3. The Petitioner shall not allow the accessory structure to be used or occupied for any commercial activity.
4. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environ-

-4-

mental Protection and Resource Management, as set forth in their comments dated August 9, 1990, attached hereto and made a part hereof.

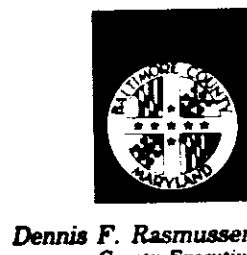
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmn
cc: Peoples Counsel

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

August 21, 1990



Dennis F. Rasmussen
County Executive

Mr. James R. Gernhart, Jr.
2117 Turkey Point Road
Baltimore, Maryland 21221

RE: Petition for Residential Zoning Variance
Case No. 91-5-A

Dear Mr. Gernhart:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmn
encl.
cc: Peoples Counsel

-5-

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 303.1 of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (Indicate hardship or practical difficulty)

to permit a front yard setback of 16 ft. 6 inches in lieu of the front setback average of residences within 200 ft. from the road (front setback required 51-1/2 ft.)

1. Return structural integrity of home. 4. minimize impervious surface

2. Return architectural integrity of home. 5. retaining maximum use

3. Decommissioned lot to property from 1834-1844 of 47-acre property

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 30th day of July, 1990, that the subject matter of this petition be posted on the property on or before the 25th day of July, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER OF BALTIMORE COUNTY

ORDER RECEIVED FOR FILING

ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/does presently or upon settlement will reside at 2117 Turkey Point Road (Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

Return structural integrity of home. 4. retain maximum use

Return architectural integrity of home. 5. retaining maximum use

Decommissioned lot to home lots 1834-1844

47-acre property

47-acre property

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

James R. Gernhart, Jr.
AFFIANT (Handwritten Signature)
James R. Gernhart, Jr.
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 3 day of July, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

July 3, 1990
DATE
James H. Wobbe, Jr.
NOTARY PUBLIC
My Commission Expires: May 1, 1995

#3
CRITICAL AREA
ZONING DESCRIPTION
BEGINNING AT A POINT ON THE SW SIDE OF
TURKEY POINT RD. 75' E W OF THE CENTERLINE OF SUE'S
GRAVE RD. BEING LOTS 15 AND 16 AND PARTS OF LOTS
14 AND 17 IN THE SUBDIVISION OF EDGAR GROVE RECORDED
IN PLAT BOOK W/PL 8 FOLIO 23. IN THE 15TH ELECTION
DIST. ALSO KNOWN AS 2117 TURKEY POINT RD.

91-5-A

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: No 2891

Date: 7/03/90 H9100003

PUBLIC HEARING FEES: 1 X \$35.00
POSTING SIGNS / ADVERTISING: 1 X \$25.00
TOTAL: \$60.00

LAST NAME OF OWNER: GERNHART

Cashier Validation: 0 171*****6000** 5058F
Please make checks payable to: Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 7/14/90

Posted for: Variance

Petitioner: James R. Gernhart, Jr.

Location of property: S.W. Turkey Pt. Rd., 75' E W of Sue's Grave Rd.

Location of signs: Turkey Pt. Rd., 22000' E of Turkey Pt. Rd.

Remarks: As per Petitioner's Request

Posted by: [Signature] Date of return: 7/20/90

Number of signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 10, 1990

Mr. James R. Gernhart, Jr.
2117 Turkey Point Road
Baltimore, Maryland 21221

Re: CASE NUMBER: 91-5-A
ITEM NUMBER: 3
LOCATION: 2117 Turkey Point Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before July 25, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is August 9, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and republishing of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,
[Signature]
G. G. Stephens
(301) 887-3391

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 30, 1990

Mr. James R. Gernhart, Jr.
2117 Turkey Point Road
Baltimore, MD 21221

RE: Item No. 3, Case No. 91-5-A
Petitioner: James R. Gernhart, Jr.
Petition for Residential Variance

Dear Mr. Gernhart:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
[Signature]
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
3rd day of July, 1990.

[Signature]
J. Robert Haines
ZONING COMMISSIONER

Received By: [Signature]
Chairman,
Zoning Plans Advisory Committee

Petitioner: James R. Gernhart
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: James F. Seal, Item No. 1
James R. Gernhart, Jr., Item No. 3
William A. Jenkins, et al, Item No. 5
Richard W. Post, Item No. 7
Robert Lee Rodowski, Item No. 8
Seven Courts Development Partnership, et al, Item No. 9
Roger Scott Weinberg, Item No. 10
George MacDonald, Item No. 14
Olwyn Diamond, Item No. 419
Philip Diamond, Item No. 420
Mark K. Harvey, Item No. 439
Michael John Reddy, Item No. 440
David Seymour Allen, Item No. 441
Robert Frank Bolling, Item No. 442
Nicholas Stamatacos/Angelina Stamatacos, Item No. 444
Stephen B. Leese, Sr., Item No. 445
Harry R. Kleinen, Item No. 447
Alpha J. Davis, Jr. Item No. 448
Judith L. Early, Item No. 455
David Shimony, Item No. 456
Kirk Riggs, Item No. 457
James Paskert, Item No. 458
James M. Burke, Item No. 459
John A. Meyers, Item No. 465

DATE: July 19, 1990

In reference to the above-mentioned cases, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

JUL 24 1990

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

July 30, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: JAMES R. GERNHART, JR.
Location: #2117 TURKEY POINT ROAD
Item No.: *3 Zoning Agenda: JULY 24, 1990
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group Special Inspection Division Fire Prevention Bureau

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
JULY 20, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #: 3
PROPERTY OWNER: James R. Gernhart, Jr.
LOCATION: SW/S Turkey Point Rd., 75' (+/-) Sue Grove Rd
(#2117 Turkey Point Road)
ELECTION DISTRICT: 15th
COUNCILMANIC DISTRICT: 5th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () RAMPS (degree slope)
() NUMBER PARKING SPACES () CURB CUTS
() BUILDING ACCESS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS. SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

(X) OTHER - NO OTHER COMMENT AT THIS TIME.

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN JUL 24 1990

5 A AUG 8 1990
BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner
DATE: August 9, 1990
FROM: Mr. Robert W. Sheesley
SUBJECT: Petition for Zoning Variance - Item #3
Gernhart Property
Chesapeake Bay Critical Area Findings

SITE LOCATION
The subject property is located at 2117 Turkey Point Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. James R. Gernhart, Jr.

APPLICANT PROPOSAL

The applicant has requested a variance from section 303.1 of the Baltimore County Zoning Regulations to permit "a front setback of 16 feet, 6 inches or alternatively not more than 25 feet in lieu of the front setback average of residences within 200 feet from the road (front average required 31.5 feet)."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-213(a)>.

Memo to Mr. J. Robert Haines
August 9, 1990
Page 2

Finding: This property is located approximately 600 feet from the tidal waters of Sue Creek. No disturbance of the 100 foot buffer shall occur.

2a. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination." <Baltimore County Code Sec. 22-98>

2b. Regulation: "A minimum 25 foot buffer shall be maintained around all non-tidal wetlands so that development or other activities will not adversely affect the wetlands or the wildlife contained therein" <Baltimore County Code Sec. 22-212(a)>.

Finding: No non-tidal wetlands were found within 25 feet of this site. No disturbance of wetlands or buffers shall occur.

3. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Finding: The proposed sum of impervious areas equals approximately 14% of the site. No additional structures shall be allowed that would increase the sum of impervious surfaces above 15% of the site.

4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland of at least 15%" <COMAR 14.15.02.04 C.(5)>.

Finding: Two trees were removed during the preliminary construction of this garage. These trees shall be replaced. The following plant material shall be selected from the enclosed list and planted in addition to existing vegetation to provide a 15% forested cover.

Shrub and small tree list: 4 items - ball and burlap or 2 gallon container size

Tree list: 2 items - minimum 4 foot size

Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

5. Regulation: "The stormwater management system shall be designed so that:

- (1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;

Memo to Mr. J. Robert Haines
August 9, 1990
Page 3

(2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and

(3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.

(4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" <Baltimore County Code, Section 22-217(h)>.

Findings: To comply with the above regulation, rooftop runoff shall be directed through downspouts and into Dutch drains or seepage pits (see attached drainage information sheet). This will encourage maximum infiltration of stormwater and decrease the amount of runoff leaving the site.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

Robert W. Sheesley
Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:DCF:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman W. Lauenstein
The Honorable Dale T. Volz
Mrs. Janice B. Outen

#3
CRITICAL AREA

July 5, 1990

To Whom it May Concern:

91-5-A
This is to advise you that we have no objection to the building of a garage at 2117 Turkey Point Road. The current resident has already made improvements to the house that in turn has a positive effect on the quality of the neighborhood. We feel his plans for a garage will also enhance his home as well.

Sincerely,

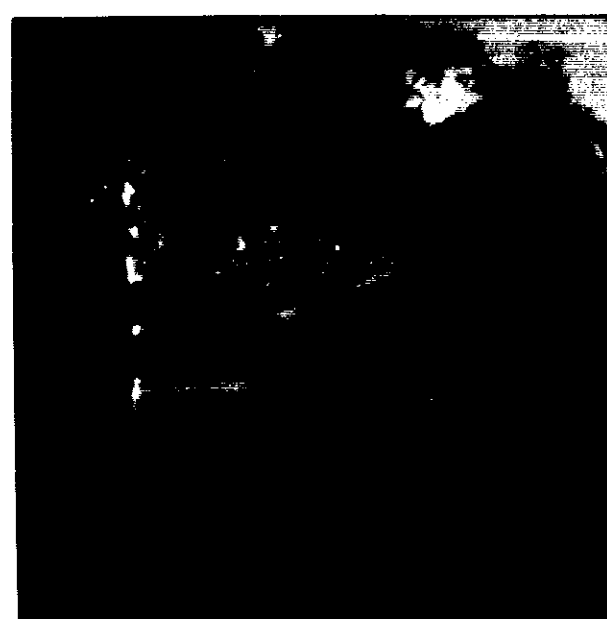
Melvin L. Carter
Susan M. Carter
2115 Turkey Point Road
(residents for 17 years)

#3
CRITICAL AREA

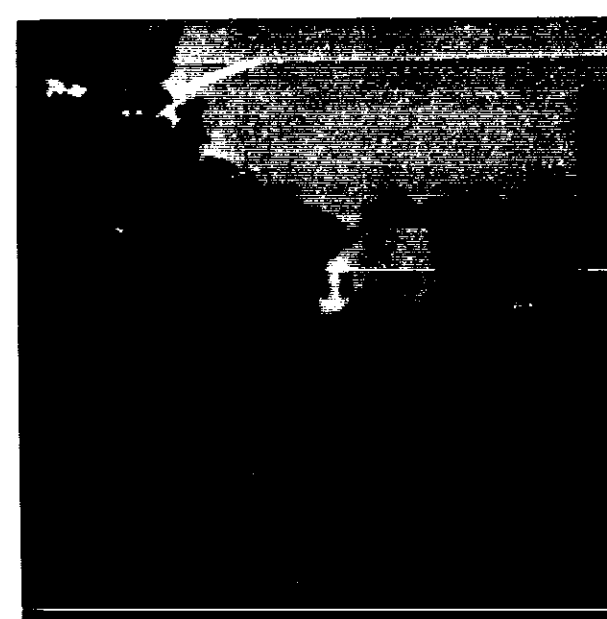
To Whom it May Concern:
91-5-A
The addition of a garage on the already existing structure of Mrs. Carter's house will only be an improvement to our neighborhood. It by no means will diminish our property value, on the contrary will increase the value of our homes. Nor will this be an eyesore to the community according to the building structure Mrs. Carter has described. We can only foresee this garage to be an enhancement to our community dwelling on Turkey Point Road.

Sincerely,

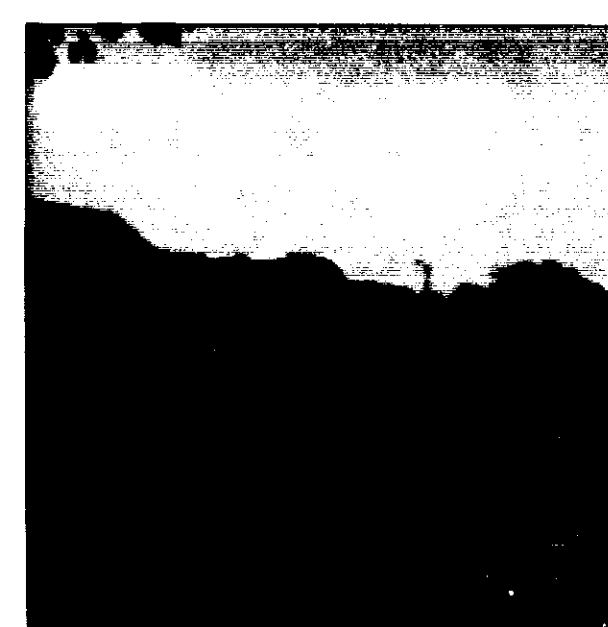
Mr. & Mrs. Melvin L. Carter
702 Sue Brock Rd



91-5-A



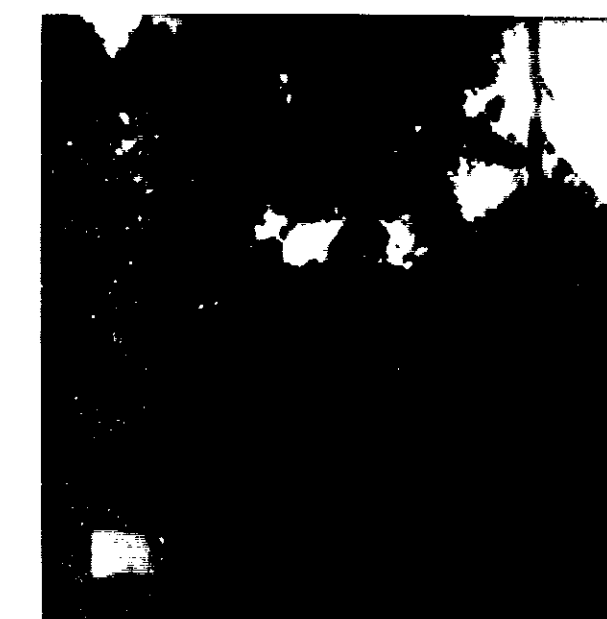
91-5-A



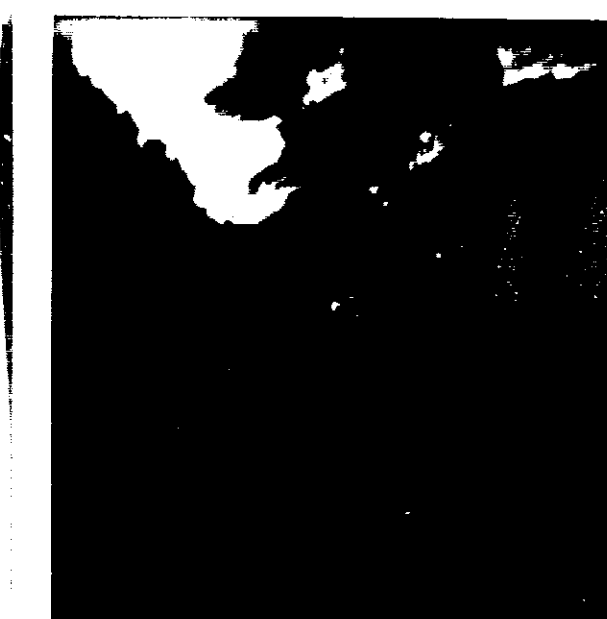
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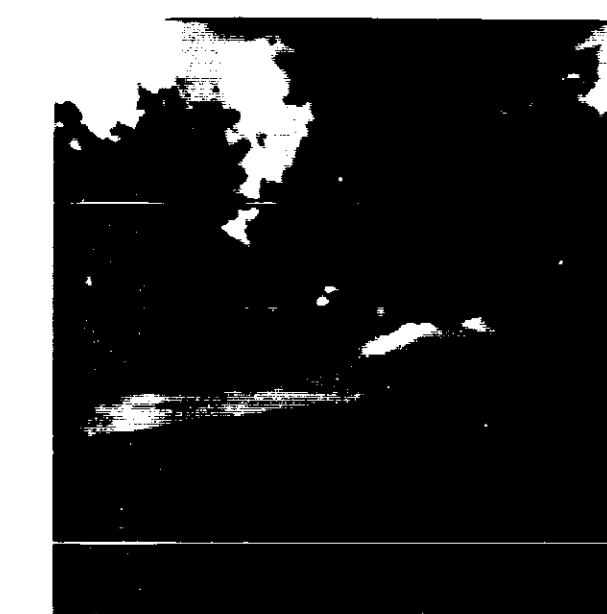
91-5-A



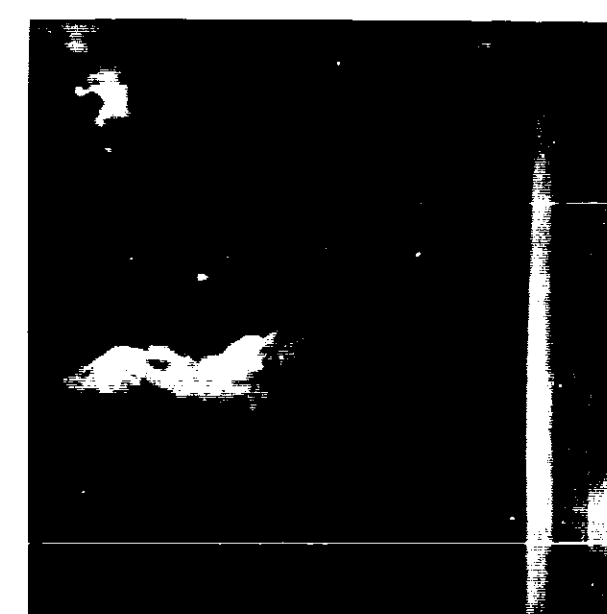
91-5-A



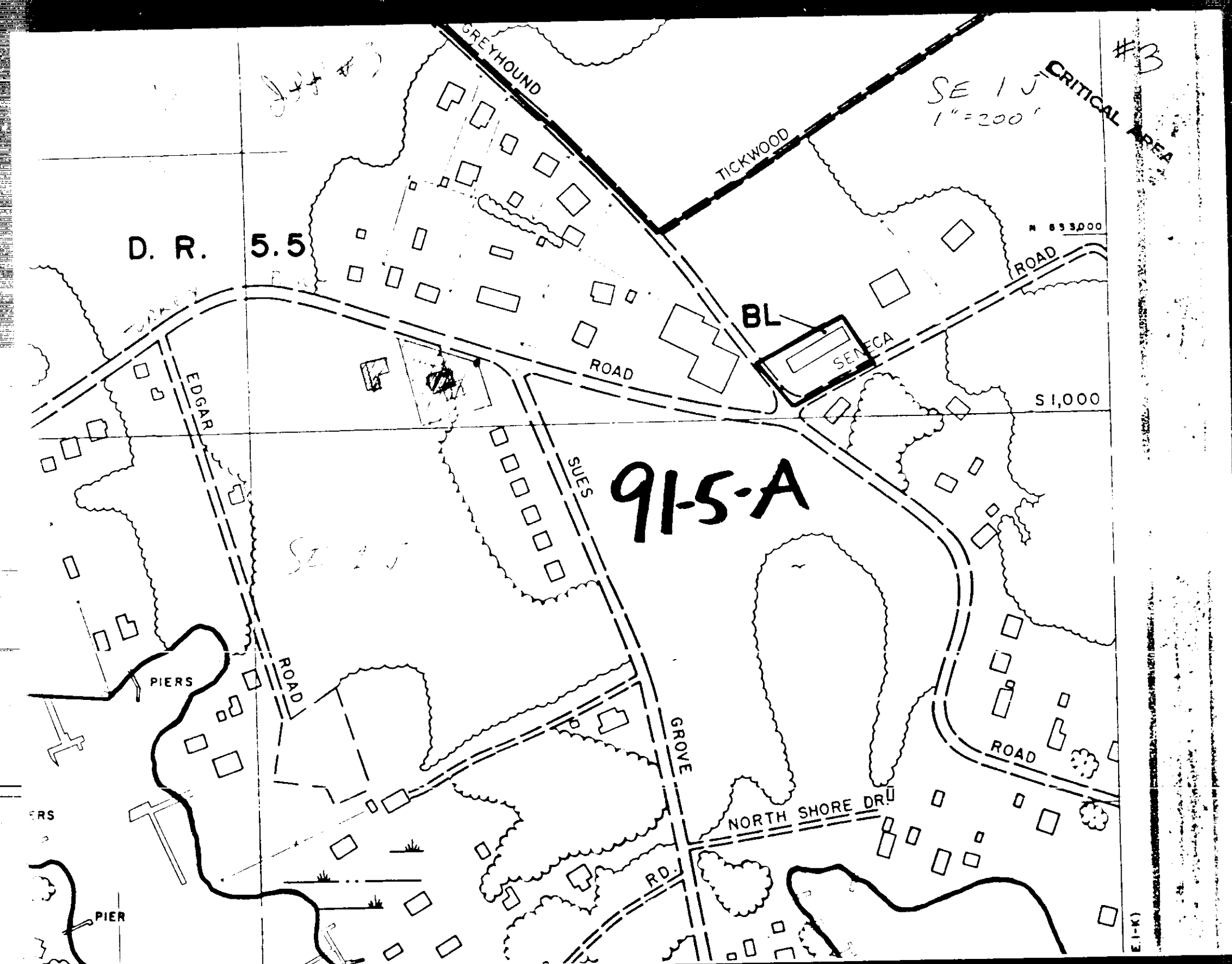
91-5-A



91-5-A



91-5-A



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 2117 Turkey Pt Rd see pages 5 & 6 of the CHECKLIST for additional required information

Division name: Peter's Edge Grove

Plat book: 225, folio: 22, lot: 22, section: 22

OWNER: James N. Gresham Jr.

91-5-A
Petitioner's Exhibit 1

Scale of Drawing: 1" = 50'

North
date: 7/6/80
prepared by: James Gresham Jr.

Vicinity Map
scale: 1" = 1000'

LOCATION INFORMATION

Councilmanic District: 5

Election District: 15

1" = 200' scale map: SE 15

Zoning: DR 5.5

Lot size: .47 acreage 20,473.2 square feet

SEWER: ☐ WATER: ☒

Chesapeake Bay Critical Area: ☒

Prior Zoning Hearings: ☐

Zoning Office USE ONLY!
reviewed by: Critical Area

E COUNTY
NING AND ZONING
APHIC MAP

SCALE
1" = 200'

LOCATION
TURKEY POINT

SHEET
52

DATE
OF
PHOTOGRAPHY
JAN. 1971
1:146